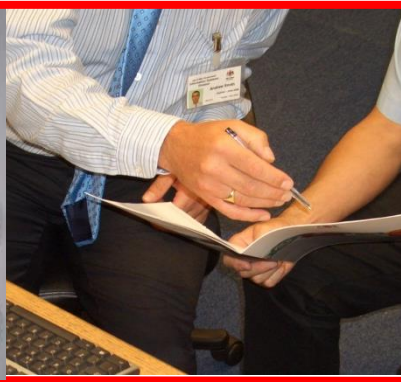




**Isle of Man
Government**

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Substance Misuse Policy and Procedure

(Formerly Alcohol and Drugs Workplace Policy for the Public Service)

Office of Human Resources

Reviewed March 2023

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1. INTRODUCTION¹

- 1.1 The inappropriate use of alcohol or drugs can damage the health and well-being of employees and have far-reaching effects on their personal and working lives. Available evidence shows that substance misuse can increase the risk of accidents and lower safety standards, impair judgement and increase the risk of errors. It is also often associated with problems in the workplace such as absenteeism, presenteeism, poor performance and inappropriate behaviour.
- 1.2 This Policy is principally concerned with such alcohol and drug use which interferes with an employee's ability to perform the tasks for which they are employed.
- 1.3 This Policy is intended to complement any policies that are already in place through employing authorities and any underlying professional or ethical codes which apply to certain professions within the Isle of Man Public Service. It also gives individual employers across Government the opportunity to develop and implement more detailed, job specific substance misuse policies if they have not already done so.

2. POLICY STATEMENT

- 2.1 The primary responsibility of Isle of Man Government is to promote a safe and healthy working environment for all employees. This Policy is intended to provide a framework within which substance misuse problems can be managed in a fair and consistent manner and, in appropriate cases, provide a possible alternative to the disciplinary / capability process.

3. AIM

- 3.1 The main aim of this Policy is to have clear procedures to manage alcohol and drug misuse in the workplace whilst providing appropriate support for employees where problems arise.

4. OBJECTIVES

- 4.1. To set out the rules regarding the use of intoxicating substances so that employees are aware of the likely consequences for their employment if they misuse them.
- 4.2. Create a climate that assists employees to recognise if they have a substance misuse problem and encourages them to seek help.
- 4.3. To promote a culture of trust and support for employees and managers when dealing with issues of substance abuse and where employees are able to disclose any issues /problems they are having with alcohol/substance abuser, either inside or outside of work.
- 4.4. To raise awareness by:

¹ This Policy has been implemented following consultation with the recognised trade unions.

- 4.4.1. Informing employees on the health, legal and other risks associated with alcohol substance and/or drug misuse and;
- 4.4.2. Providing information for line managers/supervisors/trade union representatives.

5. SCOPE

- 5.1 This Policy applies to all people working for the Isle of Man Government, irrespective of their terms and conditions of employment or length of service and includes agency, bank, relief and casual workers, contractors, consultants, volunteers and others working on behalf of Government.

6. PRINCIPLES

- 6.1. The Isle of Man Government treats alcohol and/or drug dependency primarily as health problems that require help and support rather than as a disciplinary / capability matter.
- 6.2. Employees have a duty to recognise and acknowledge their condition, and a failure to engage with any support that is offered may result in the commencement of capability or disciplinary procedures.
- 6.3. Disciplinary / capability procedures may also apply should an employee's work performance or attendance be adversely affected by alcohol consumption, drug or substance misuse.
- 6.4. Sickness absence caused by substance abuse problems will be treated no differently from any other sickness absence.²
- 6.5. Occupational Health will seek an individual's permission before sharing any details/reports with their Employer. However some documentary evidence of appointments would normally be required if an authorised absence was required³

7. STANDARDS

- 7.1 In order to ensure a safe and healthy environment in the workplace the following standards should be adhered to within the public service:
 - No one may attend work under the influence of alcohol, illicit drugs or misused prescribed / over-the-counter medicines⁴ or prescribed medication being used correctly if it impairs the employee's ability to carry out their job.

² Under Regulation 4 of the Equality Act 2017 (Disability) Regulations 2020 addiction is specifically excluded as being an impairment under the Equality Act 2017 and therefore cannot meet the required definition of disability (with the exception of an addiction which was originally the result of administration of medically prescribed drugs or other medical treatment). Individuals suffering from addiction therefore do not have the benefit of the Act (save the exception mentioned) and reasonable adjustments will not apply. This does not affect the treatment of or benefits afforded to a person suffering from: a standalone disability stemming from an addiction; or a standalone disability which has caused, led or contributed to an addiction.

³ If consent is not provided, in the absence of medical information, any decision on how to manage the situation or proceed would be based solely on the information available to the manager.

⁴ This would normally constitute gross misconduct.

- No one may consume intoxicating substances before coming on duty or when they may be required to attend work at short notice, for example when they are on call.⁵

7.2. Alcohol Consumption

7.2.1. Subject to paragraphs 7.2.2 and 7.2.3, no alcohol shall be consumed or misused on Government premises. Employees should also refrain from consuming or misusing alcohol during working hours whilst off Government premises.

7.2.2. Sensible consumption of alcohol may be permitted:

- Where Government premises have been licensed for such a purpose.
- On Government premises if it is part of business entertainment and/or special work related social occasions such as leaving or retirement parties.
- As part of business entertainment at lunch or other appropriately prescribed times or occasions.

7.2.3. In some areas of employment any consumption of alcohol is inappropriate due to the nature of the work or terms and conditions of employment. See also Departmental and professional codes of conduct.⁶

7.3. Drugs

7.3.1. Employees must not be in possession of or consume illegal drugs, or misuse prescribed drugs or substances such as solvents or psychoactive substances⁷ ('legal highs') on Government premises.

7.3.2. Evidence of illegal drug production, possession or supply on Government premises must be reported to the police.

7.4. Alcohol or drug misuse at any time which renders the employee unsafe or unable to work satisfactorily is not acceptable.

8. RELEVANT LEGISLATION AND POLICIES, PROCEDURES AND CODES

8.1. Legislation

8.1.1. This Policy document is underpinned by the following legislation:

- [Employment Act \(2006\)](#)
- [Health and Safety at Work etc Act 1977](#)
- [Misuse of Drugs Act 1976](#)
- [Psychoactive Substances Act 2016 \(Application\) Order 2016 \(SD2016/0230\)](#)

8.1.2. The principal legislation on the Isle of Man for controlling the misuse of drugs is the [Misuse of Drugs Act 1976](#). The Act makes the production, supply and possession of controlled drugs unlawful except in certain specified circumstances (for example, when they have been prescribed by a

⁵ This would normally constitute gross misconduct.

⁶ Some employment groups will have additional requirements and employees should refer to any additional policies within their terms and conditions.

⁷ [Psychoactive Substances Act 2016 \(Application\) Order 2016 \(SD2016/0230\)](#)

doctor). A person who knowingly permits the production or supply of any controlled drugs, the smoking of cannabis or certain other activities to take place on their premises could be committing an offence.

8.1.3. The Act lists the drugs that are subject to control and classifies them in three categories according to the penalties related to them.

8.1.4. It is possible that in certain circumstances charges may be brought against an employer or an employee under this Act. It would be up to the courts to decide on the circumstances of each case.

8.2. **Relationship of this Policy with Capability and Disciplinary Procedures**⁸

8.2.1. It can be very difficult for a manager to decide when an alcohol and/or drug problem becomes a disciplinary / capability issue rather than one requiring support. The chart at Appendix 2 shows the interaction between the two. Managers are encouraged to actively seek appropriate guidance and advice from OHR as early as possible and as soon as they have identified any potential concerns.

8.2.2. Although the chart illustrates both processes, an employee may move from one side to the other several times, prior either to recovery, or, in the worst case, to dismissal. It is very difficult to be specific in regards to the number of times an employee may avail themselves of help under this Policy.

8.2.3. If it becomes obvious that the employee is incapable of doing the job, despite an attempt, or repeated attempts at intervention, the normal capability or disciplinary procedures should apply, as appropriate.

8.3. **Other Policies and Codes which may be relevant to this Policy**

8.3.1. Managers should also be aware of the following Policies, Procedures and Codes:

- Departmental and Professional Codes of Conduct
- [Code of Conduct for Public Servants](#)
- [Health and Safety at Work Policy](#)
- [Management of Sickness Absence Policy](#)
- [Prevention and Management of Workplace Stress Policy](#)
- [Fairness at Work Policy and Guidance](#)
- Capability Procedures
- Disciplinary Procedures

9. DEFINITIONS

9.1 **Drug misuse** is defined as any use of illegal drugs and/or misuse of prescribed drugs, over-the-counter medicines and substances such as solvents or psychoactive substances ('legal highs').

9.2 **Drugs** are defined as any substance that affects the way the body functions physically, emotionally or mentally.

⁸ Capability and Disciplinary Procedures relevant to the employee's terms and conditions.

- 9.3 **Harmful Drinking** is defined as a pattern of alcohol consumption causing health problems directly related to alcohol. This could include psychological problems such as depression, alcohol-related accidents or physical illness such as acute pancreatitis.
- 9.4 **Hazardous Drinking** is a pattern of alcohol consumption that increases someone's risk of harm. Some would limit this definition to the physical or mental health consequences (as in harmful use). Others would include the social consequences. The term is currently used by the World Health Organisation to describe this pattern of alcohol consumption⁹.
- 9.5 An **Intoxicating substance** is a substance that changes the way the user feels mentally or physically. This includes alcohol, illegal drugs, legal drugs, prescription medicines (eg tranquilisers, anti-depressants, over-the counter medicines) solvents, glue and lighter fuel.
- 9.6 **'Legal highs'** are psychoactive drugs that contain various chemical ingredients, some of which are illegal while others are not. They are capable of affecting the mind, emotions and behaviour and produce similar effects to illegal drugs like cocaine, cannabis and ecstasy.
- 9.7 **Misuse** is defined as any use that harms social or physical functioning.
- 9.8 **Nootropics** or 'Smart Drugs' are well known compounds or supplements that enhance cognitive performance. They work by increasing the mental functions such as memory, creativity and attention. Whilst these can be prescribed to treat conditions such as Alzheimer's or Parkinson's, commercial versions can be bought. Side effects of Nootropics are known to be insomnia, blurred vision, high blood pressure and a fast heart rate.
- 9.9 **Substance misuse** is defined as use of either alcohol or drugs (illicit or prescription) and other substances such as solvents or psychoactive substances ('legal highs') which:
- Interferes with the ability of employees to work; and/or
 - Puts the health, safety and welfare of the employee at risk; and/or
 - Impinges on the health, safety and welfare of colleagues and/or of the general public.

10. MANAGER'S RESPONSIBILITIES

- 10.1 Dealing with performance problems is part of the management / supervisory role. Managers should offer employees advice, support and guidance in a sensitive and confidential manner. Guidance can also be sought from OHR.
- 10.2 As far as possible alcohol and substance misuse will be managed as health problems under capability procedures. Behind an alcohol or drug problem there may be a personal or work issue that needs to be acknowledged so that assistance can be sought where possible. However if there are ongoing conduct, performance or attendance issues, where appropriate, the normal disciplinary / capability procedures may be invoked¹⁰.

⁹ <https://www.nice.org.uk/guidance/cg115>

¹⁰ Disciplinary / Capability Procedures relevant to the employee's terms and conditions

10.3 The role of the manager is to:

- a) Be alert to and monitor changes in work performance and attendance, sickness and accident patterns;
- b) Be familiar with and to implement the Policy and procedures;
- c) Ensure that employees understand the policy and are aware of the rules and consequences regarding the use of alcohol, drugs and other intoxicating substances;
- d) Intervene as early as possible;
- e) Identify any aspects of the work environment which could be adjusted to support recovery and help refer employees for professional assistance, if requested. Work issues that should be addressed if they are described as part of the problem include:
 - Work-related stress (See Prevention and Management of Stress Policy);
 - Bullying and harassment (See Fairness at Work Policy).
- f) Be aware of the possibility of malicious complaints by colleagues and members of the public;
- g) To feel confident knowing when it is appropriate to use capability and disciplinary procedures.

10.4 Possible signs of substance misuse in the workplace

- Marked and sudden mood changes;
- Excessive sick leave and punctuality problems;
- Patterns of persistent and/or recurrent absenteeism;
- Financial difficulties;
- Errors;
- Deterioration in physical appearance and personal hygiene;
- Decreased efficiency;
- Unusual irritability, tiredness, lethargy or aggression;
- Abnormal fluctuations in concentration and energy;
- Memory lapses;
- A tendency to become confused;
- A deterioration in relationships with colleagues or management;
- Slurred speech;
- Smell of alcohol.

Note: All the signs shown above may be caused by other factors and conditions, such as stress, certain medical conditions or personal or domestic difficulties, which might be adversely affecting the employee's general health; and should be regarded only as indications that an employee may be misusing alcohol or drugs. A detailed professional assessment is necessary.¹¹

10.5 What to do if an Alcohol or Drug problem is suspected

10.5.1 General

- Be well prepared and make sure you are fully aware of the contents of this Policy.
- Liaise with Occupational Health and your HR Advisor in the first instance.
- Be consistent - treat all employees the same.
- Carefully consider how issues are to be handled.

10.5.2 Specific

¹¹ This would be Occupational Health in the first instance

- **Observe** - Look for patterns. It is accepted that anyone can have an “off” day. Alcohol/drug problems usually develop over a period of time and involve a decline in work performance, health, attitudes and ability.
- **Documentation** - All attendance, punctuality and poor job performance should be documented. All written notes should be factual and objective. Employee explanations should be recorded.
- **Management Consultation**
 - Review your own role.
 - Clearly define performance problem and impact.
 - Were there previous attempts to resolve this issue or is this incident/pattern new?
 - Identify possible ways to address the issue.
 - What alternatives can be offered to the employee to resolve the problem?
 - Develop a plan for initial or follow-up discussion(s).

10.5.3 Intervention

When a performance, conduct or capability issue is raised there should be an initial meeting between the line manager and the employee to discuss the issue and the actions that need to be taken by all parties to rectify the situation. A record should be kept of all meetings with the time, date, those present and the actions agreed upon.

- Select a time and place which affords privacy.
- Define the problem. Use factual, not emotive or judgemental, language.
- Explain that the goal of the discussion(s) is to help resolve difficulties.
- Give choices (do not threaten or plead etc. and never label or diagnose). This may include a management referral to Occupational Health. Emphasise the right of the employee to choose options.
- Explain consequences, if any, if problems are unresolved, e.g. invoking capability/disciplinary procedures
- Where an employee has declared that they have been prescribed drugs that may impact on their ability to undertake their work, the line manager should undertake a risk assessment and take appropriate action and if necessary seek the advice of OHR.

10.6 Identification

10.6.1 The sooner substance misuse is identified; the quicker help can be obtained. The next stage is for the employee to realise the possibility of a problem and to seek help. Managers are never expected to diagnose and should seek advice and guidance from OHR but managers should be aware of the signs which may indicate an existing or potential alcohol or drug problem.

10.6.2 It is recognised that an employee may have drug and alcohol problems i.e. cross dependence and it may be necessary to seek professional advice.

10.7 Referral Options

10.7.1 The employee may ask for help in the referral process.

10.7.2 **Self-Referral**

Employees can seek confidential professional help, advice or support from any of the agencies listed in Appendix 1.

10.7.3 Management /Trade Union Referral

Employees may be encouraged to seek confidential professional help, advice or support by their managers and/or trade union representatives. There must be documented evidence of alcohol/drug related problems or reasonable grounds to believe that the employee may require such help. This does not preclude the possibility of disciplinary / capability proceedings where an incident has occurred which would normally lead to same.

10.7.4 Medical Referral

Employees may be referred by their General Practitioner or Occupational Health Medical Advisers for help.

10.8 Further Monitoring

Set some objectives and/or a timescale for monitoring, review and further assistance if necessary.

10.9 Intoxication at Work¹²

10.9.1 Where there are reasonable grounds for believing that an employee is intoxicated at work (either through alcohol or illegal drugs or through the misuse of prescribed drugs, or through the misuse of solvents or psychoactive substances ('legal highs')) the employee must at once be suspended from duty or removed from the workplace until an informed decision has been made as to what appropriate actions should be taken. Any formal precautionary suspension must follow the correct procedure. In all cases, the health, safety and welfare of everyone concerned shall be paramount. In appropriate cases, assistance shall be sought. In all cases, reasonable steps shall be taken to ensure the safety of the employee and of others. As misconduct by the employee may have occurred, in such circumstances disciplinary proceedings may also apply.

Note: The employee has the right to refuse or accept the offer of help from the agencies listed. Management reserves the right, however, to refer employee to the Occupational Health Professionals in accordance with their terms and conditions of employment, preferably in conjunction with the employee.

11. EMPLOYEE'S RESPONSIBILITIES

- 11.1 Employees are required to familiarise themselves with this Policy and comply with its provisions;
- 11.2. Employees who recognise, suspect or believe that they may have, or be developing alcohol or drug problems can self-refer in complete confidence to the agencies listed in Appendix 1. To protect confidentiality attendance can be arranged in an employee's own time. However, where necessary, appointments may be arranged during work hours in consultation and with the agreement of the manager subject to evidence if necessary. Employees are encouraged to disclose

¹² Some employment groups will have additional requirements and employees should refer to any additional policies within their terms and conditions.

their circumstances to their line manager. If prolonged absence from work is needed, the normal sickness absence procedures would be applied.

- 11.3. Employees should declare if they have been prescribed drugs that may impact on their ability to undertake their work.
- 11.4. Where the employee concerned does not wish to come forward to seek help, and their colleague/s genuinely suspects that the individual may be misusing drugs or alcohol, they have a responsibility to raise their concerns with the employee's line manager.
- 11.5. Employees are encouraged to co-operate with any support and assistance provided by the organisation to address an alcohol or substance misuse problem.

12. EMPLOYEE ASSISTANCE

- 12.1. Employees should be encouraged to seek support voluntarily, and reassured that substance abuse problems will be treated sympathetically and confidentially (subject to the provisions of the law).
- 12.2. Consideration may be given to postponing any existing disciplinary or capability procedures if a substance abuse problem should come to light to give the employee the opportunity to receive medical treatment, if required.
- 12.3. If an employee has successfully completed a course of counselling or other treatment and later relapses, the organisation may invoke the disciplinary or capability procedure whilst providing ongoing support.
- 12.4. During the period of treatment, Occupational Health will keep the manager up to date regarding the employee's progress, the likely return-to-work date and whether alternative employment needs to be considered. After the return, Occupational Health and the manager will jointly review the employee's progress.

13. PRIVACY STATEMENT

- 13.1. The Office of Human Resources (OHR) and relevant Department, Board or Office Privacy Notices describe how personal information about an employee is collected and used during and after their working relationship within the Isle of Man Government, and what legal basis there is for gathering and retaining that information in accordance with the Data Protection Act 2018 including the General Data Protection Regulation.
- 13.2. For further details about the information collected and retention periods, please refer to the [Office of Human Resources' Privacy Notice](#) and the relevant Department, Board or Office's Privacy Notice which are incorporated in to this document by reference.

14. REFERENCE

[CIPD Guide: Managing drug and alcohol misuse at work. 2020](#)

GUIDELINES FOR SAFE ALCOHOL CONSUMPTION

<https://www.drinkaware.co.uk/alcohol-facts/alcoholic-drinks-units/alcohol-limits-unit-guidelines/>
"The UK Chief Medical Officers' guideline for both men and women is that to keep health risks from alcohol to a low level it is safest not to drink more than 14 units a week on a regular basis"

SERVICES PROVIDED BY THE IOM GOVERNMENT

Local General Practitioners

Contact for advice, treatment and referral to specialist agencies.

Cabinet Office / Office of Human Resources Occupational Health Service Garaghyn Glass, Braddan Telephone: 642150

The Occupational Health Service aims to improve the health, safety, and well-being of all employees. The service is impartial, non-judgmental, and confidential, and can give advice and/or support for managers and employees who may be experiencing indirect or direct, work related health problems in the workplace. Access to the service can be through agency, management or self-referral by telephoning 642150 or 642328. An answer phone for confidential messages is in operation when the department is closed.

Staff Welfare Officers Telephone: 687027

The Staff Welfare service is a confidential advice, support and counselling service for all Government employees. The Staff Welfare Officers can be contacted on 687027. You can leave a message on the answer phone as the Staff Welfare Officers are the only people who have access to it.

OTHER SOURCES OF SUPPORT

Drop-In

Motiv8 Addiction Services Telephone: 627656

92a Woodbourne Road, Douglas, Isle of Man, IM1 3LX

<http://www.motiv8.im/>

Free and confidential counselling service for those who have a problem with alcohol use, their relatives, friends and colleagues. Also offers information about alcohol and alcohol misuse, education, seminar, training programmes and consultancy.

Talk to Frank

<http://www.talktofrank.com/>

"Friendly, confidential drugs advice"

Stauros Foundation Telephone: 663796

The Alpha Centre 7-8 Sherwood Terrace, Douglas IM2 4EN

Facilities and Service: Drop-in, fellowship and Christian counselling for drug and alcohol misusers.

Drug & Alcohol Team Telephone: 617889

Confidential, Island-wide statutory service for individuals or the family of individuals who are having difficulties with alcohol, illegal substance, prescribed medication or over-the-counter medication.

Counselling for abstinence or controlled drinking. Community detoxification also offered from alcohol, benzodiazepines and opiates. Open referral system.

Probation Service Telephone: 687324

Offers both statutory and voluntary help to those persons suffering from the effects of alcohol or drug misuse. It deals primarily with court based work, both civil and criminal.

Meetings

Alcoholics Anonymous Telephone: 663676

Gives advice and help on problem drinking. The phone line acts as the first point of contact for information about meetings. Provides an extensive range of literature.

Al-Anon Confidential Helpline: 020 7403 0888

Al-Anon Family Groups provide a readily available community resource for all those close to a problem drinker. Al-Anon offers a recovery programme to people from all walks of life, whether or not the drinker recognises that a problem exists. At Al-Anon Group meetings (which are anonymous) members receive comfort and understanding and learn to cope with their problems through the exchange of experience, strength and hope.

Al-Ateen is part of Al-Anon and is aimed at teenagers with an alcoholic relative.

Telephone Support

Samaritans Telephone: 0300 30 300 36 or 116 123

5 Victoria Place

Douglas

The Samaritans provides a 24 hour, 7 day / week telephone counselling service.

APPENDIX 2 FLOWCHART ILLUSTRATING SUPPORT AND DISCIPLINARY / CAPABILITY PROCEDURES

Appendix 2 - FLOWCHART ILLUSTRATING SUPPORT AND DISCIPLINARY PROCEDURES*

*Based on CPD flowchart

